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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,846	02/04/2002	Blaine Miller	1862-D	5159

7590 11/05/2004  
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EXAMINER

NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/066,846	Applicant(s) MILLER, BLAINE	
	Examiner Phong H Nguyen	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. Upon reconsideration of cited references, the allowance of claims 14-20 and 37-41 is withdrawn. A new ground of rejection is made in view of Duginske (5,768,966), Molburg (6,079,309), Price (4,693,158) and Szymanski et al. (6,481,477 B1).

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 9 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duginske (5,768,966) in view of Price (4,693,158) and Molburg (6,079,309).

Regarding claims 8, 14-20 and 22, Duginske teaches a fence comprising:

a working surface (R) having an elongated slot;  
an elongated body 242 having a top end including grooves (212, 210), a front face including grooves (214, 216) and a back face including a groove 218;  
and

attachments (232, 58).

See Figs. 1-8, 10 and 15.

Duginske fails to disclose a planar face having a measurement device. Price teaches a planar face having a measurement device. See Fig. 6. Therefore, it would have

been obvious to one having ordinary skill in the art to incorporate a planar face having a measurement device as taught by Price to the fence of Duginske so that a user can locate a coordinate of a work piece on a working surface precisely.

Duginske teaches T-shaped grooves instead of plus-shaped grooves. T-shaped grooves and plus-shaped grooves are art equivalence. Therefore, it would have been obvious to one having ordinary skill in the art to choose between T-shaped grooves and plus-shaped grooves to design a fence since they are art equivalence, and the fence would function equally as well with both T-shaped grooves and plus-shaped grooves.

Duginske fails to teach a locking device for securing the fence to a woodworking tool. Molburg teaches a locking device capable of securing the Duginske's fence to a woodworking tool device. The Molburg's locking device comprising a translating rod 22 with a large head, an anchor hole 23 and a handle 24. See Figs. 3-5. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the locking device as taught by Molburg to the Duginske's fence for securing the fence to a wood working tool.

Regarding claim 9, Duginske teaches a T-shaped groove in the back face but does not teach providing a tapered surface adjacent to and open to the back face that narrows to a well portion and wherein a locking tab projects adjacent the well portion. Price teaches providing a tapered surface that narrows to a well portion and wherein a locking tab projects adjacent the well portion. See Fig. 6. Therefore, it would have been obvious to one having ordinary skill in the art to provide tapered surfaces as taught by Price on

the locking tabs of the grooves in the Duginske's fence to reduce sharp edges at the locking tabs.

4. Claim 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duginske (5,768,966) in view of Molburg (6,079,309).

Regarding claim 37, Duginske teaches a fence for use with a woodworking tool wherein the woodworking tool including a working surface (R) having an elongated slot comprising an elongated body 200. See Figs. 10 and 15.

Duginske fails to teach a locking device for securing the fence to a woodworking tool. Molburg teaches a locking device capable of securing the Duginske's fence to a woodworking tool device. The Molburg's locking device comprising a translating rod 22 with a large head, an anchor hole 23 and a handle 24. See Figs. 3-5. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the locking device as taught by Molburg to the Duginske's fence for securing the fence to a wood working tool.

Regarding claims 38-40, a top end including grooves (212, 210), a front face including grooves (214, 216) and a back face including a groove 218 are best seen in Figs. 1-8 in Duginske.

Duginske teaches T-shaped grooves instead of plus-shaped grooves. T-shaped grooves and plus-shaped grooves are art equivalence. Therefore, it would have been obvious to one having ordinary skill in the art to choose between T-shaped grooves and plus-shaped grooves to design a fence since they are art equivalence, and the fence would function equally as well with both T-shaped grooves and plus-shaped grooves.

Regarding claim 41, the handle 24 is best seen in Figs. 3-5 in Molburg.

5. Claims 1-7, 10, 13, 21 and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duginske (5,768,966) in view of Molburg (6,079,309) as applied to claim 37 above, and further in view of Price (4,693,158).

Regarding claims 1, 10, 21 and 24, the combination of Duginske and Molburg teaches the invention substantially as claimed except for a planar face extending outwardly and upwardly in an angular manner in relation to the fence body wherein a measurement device seated on the planar surface. Price teaches a planar face extending outwardly and upwardly in an angular manner in relation to the fence body wherein a measurement device 57 seated on the planar surface. See Fig. 1. Therefore, it would have been obvious to one having ordinary skill in the art to provide a planar face as taught by Price to the combination of Duginske and Molburg so that a user can locate a coordinate of a work piece on a working surface precisely.

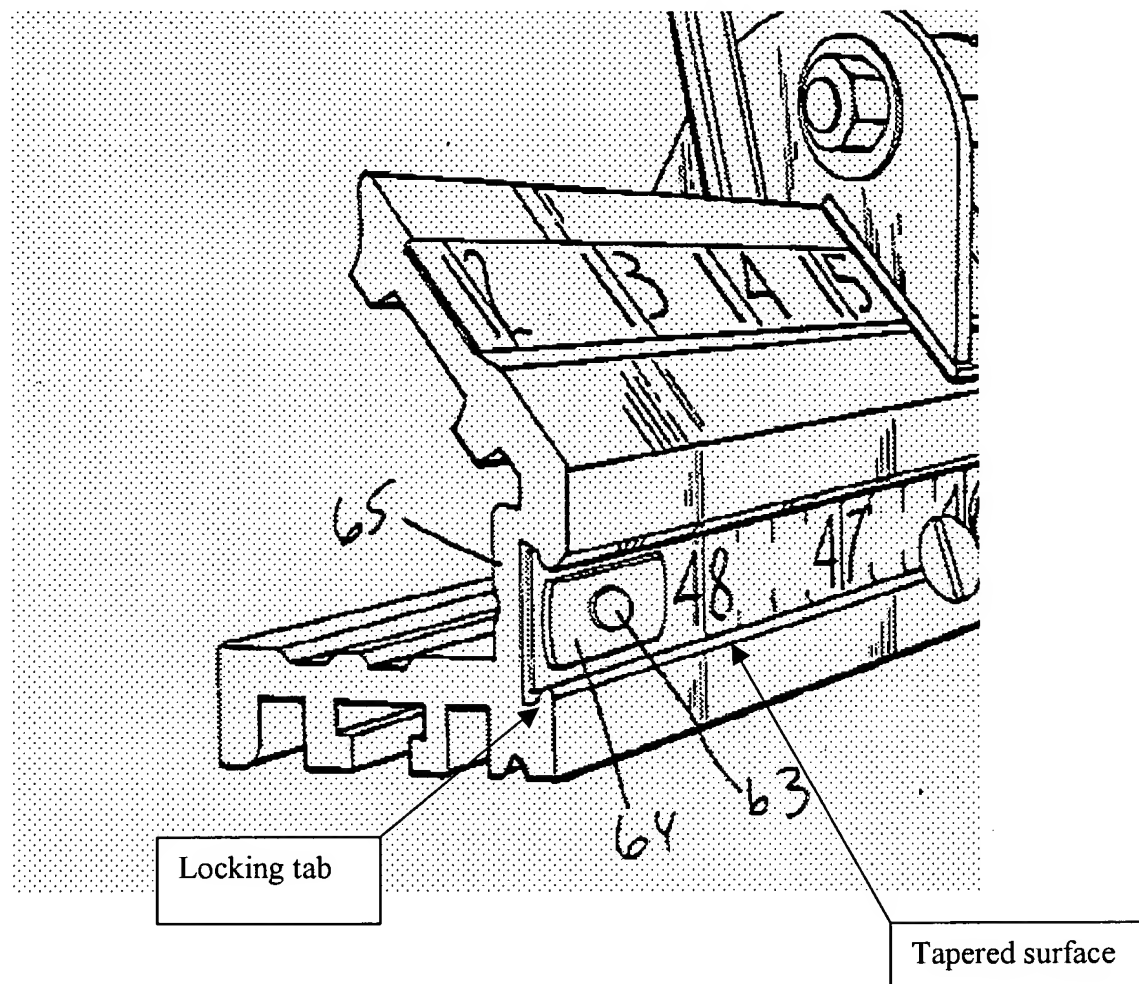
Regarding claims 5 and 6, Duginske teaches T-shaped grooves instead of plus-shaped grooves. T-shaped grooves and plus-shaped grooves are art equivalence. Therefore, it would have been obvious to one having ordinary skill in the art to choose between T-shaped grooves and plus-shaped grooves to design a fence since they are art equivalence, and the fence would function equally as well with both T-shaped grooves and plus-shaped grooves.

Regarding claim 7, the attachments 232 and 58 are best seen in Fig. 1-5 of Duginske.

Regarding claim 13, an inverted L-shaped stop 56 is best seen in Figs. 1-5 in Duginske.

Regarding claims 2, 25 and 26, Duginske teaches a T-shaped groove in the back face but does not teach providing a tapered surface adjacent to and open to the back face that narrows to a well portion and wherein a locking tab projects adjacent the well portion. Price teaches providing a tapered surface that narrows to a well portion and wherein a locking tab projects adjacent the well portion. See Fig. 6. Therefore, it would have been obvious to one having ordinary skill in the art to provide tapered surfaces as taught by Price on the locking tabs of the grooves in the Duginske's fence to reduce sharp edges at the locking tabs.

The tapered slot (surfaces) is a part of lock tabs of a groove where an attachment is secured to the fence; therefore it is for affixing an attachment.



Regarding claim 27, an attachment (G) is best seen in Fig. 6 in Duginske.

Regarding claims 28-31, see Figs. 1-5 in Duginske.

Regarding claims 3 and 4, T-shaped grooves are best seen in Figs. 1-8 of Duginske.

6. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duginske (5,768,966) in view of Molburg (6,079,309) and Price (4,693,158) as applied to claim 37 and 10 above, and further in view of Szymanski et al. (6,481,477 B1), hereinafter Szymanski.

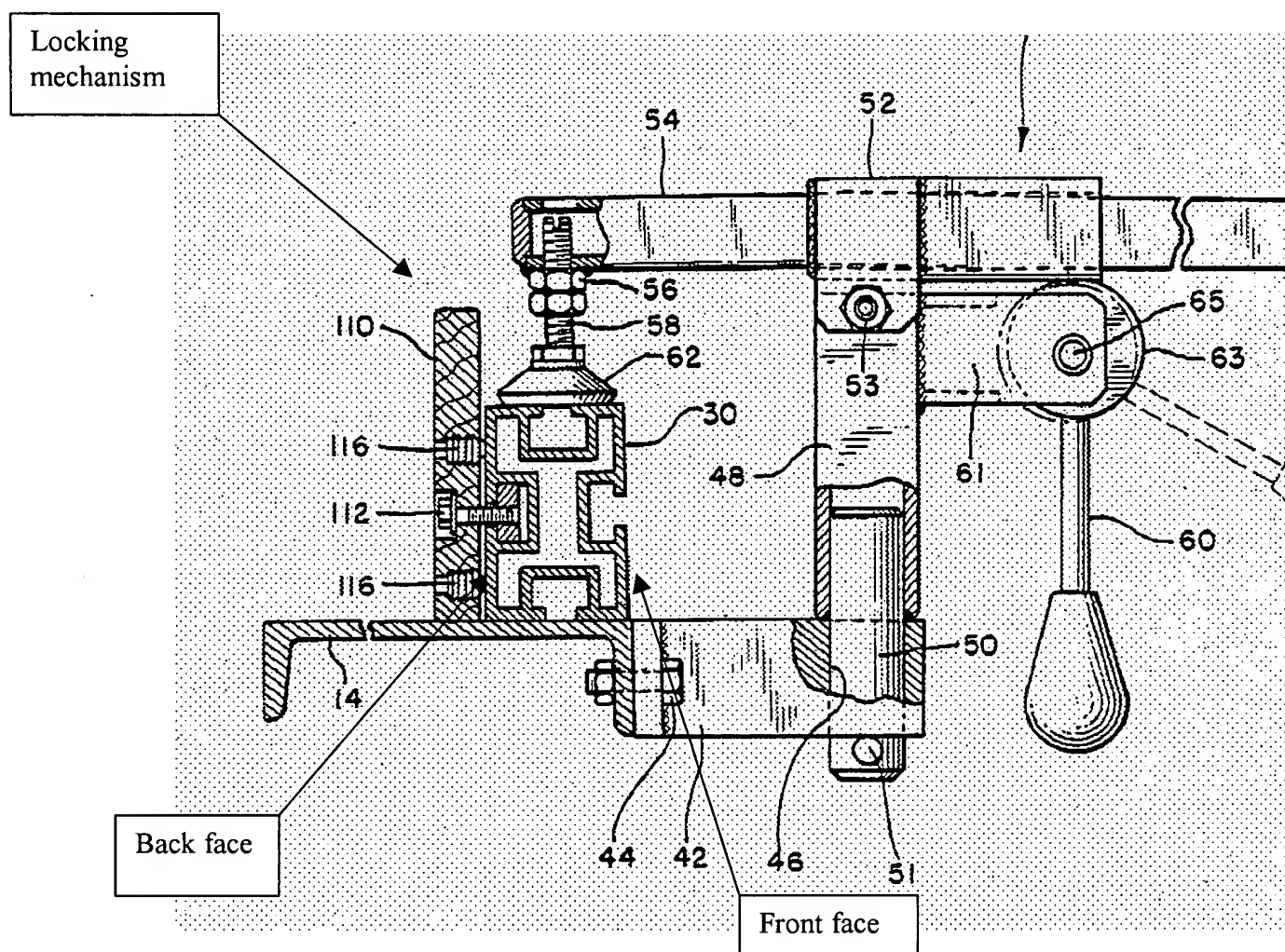


The combination of Duginske, Molburg and Price teaches the invention substantially as claimed except for mounting a hose collar and a vacuum hose to the fence. Szymanski teaches mounting a vacuum 52 to a fence for collecting dust. See Fig. 2. Therefore, it would have been obvious to one having ordinary skill in the art to mount a vacuum as taught by Szymanski to the combination of Duginske, Molburg and Price to collect dust.

7. Claim 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duginske (5,768,966) in view of Molburg (6,079,309) as applied to claim 37 above, and further in view of Schuler (4,817,693).

Regarding claim 32, the combination of Duginske and Molburg teaches the invention substantially as claimed except for a locking device which defines at least one threaded port with a threaded insert therein which may be extended therefrom to forcibly and securely tilt the locking device and elongated body in relation to one another.

Schuler teaches tilting a fence 120. See Fig. 13. Schuler teaches a locking device defines at least one threaded port with a threaded insert 116 therein which may be extended therefrom to secure the locking device and elongated body 30. See Figs. 4-6. The threaded insert 116 is capable of tilting the fence 110 relative to the fence 30. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate at least one threaded port with a threaded insert as taught by Schuler to tilt the fence 200 relative to the locking device 300 in Duginske to accommodate a work piece having a wedged shape.



Regarding claims 33-36, see Fig. 1-5 in Duginske and Figs 4-6 in Schuler.

8. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duginske (5,768,966) in view of Molburg (6,079,309) and Price (4,693,158) as applied to claims 1, 10 and 37 above, and further in view of Schuler (4,817,693).

The combination of Duginske, Molburg and Price teaches the invention substantially as claimed except for a locking device which defines at least one threaded port with a threaded insert therein which may be extended therefrom to forcibly and securely tilt the locking device and elongated body in relation to one another.

Schuler teaches tilting a fence 120. See Fig. 13. Schuler teaches a locking device defines at least one threaded port with a threaded insert 116 therein which may be extended therefrom to secure the locking device and elongated body 30. See Figs. 4-6. The threaded insert 116 is capable of tilting the fence 110 relative to the fence 30. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate at least one threaded port with a threaded insert as taught by Schuler to tilt the fence 200 relative to the locking device 300 in Duginske to accommodate a work piece having a wedged shape.

### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 703-305-4989. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

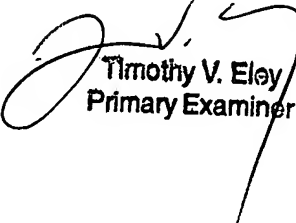
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: *pn*

October 29, 2004

  
Timothy V. Eley  
Primary Examiner